



Wylie City Council

Minutes

Wylie City Council Meeting

Tuesday, April 12, 2011 – 6:00 p.m.

Wylie Municipal Complex – Council Chambers
300 Country Club Road, Bldg. 100
Wylie, TX 75098

CALL TO ORDER

Announce the presence of a Quorum.

Mayor Eric Hogue called the meeting to order at 6:00 p.m. with the following Wylie City Council members present: Councilwoman Kathy Spillyards, Councilman Carter Porter, Councilman Rick White, Councilman David Goss, and Councilman Bennie Jones. Mayor pro tem Red Byboth was absent.

Staff present were: City Manager, Mindy Manson; Assistant City Manager, Jeff Butters; Fire Chief, Randy Corbin; Police Chief, John Duscio; Finance Director, Linda Bantz; City Engineer, Chris Holsted; City Secretary, Carole Ehrlich; Public Information Officer, Craig Kelly, and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Hogue asked for a moment of silence in honor of Lieutenant Robert Welch, a Wylie resident who had lost his life in Afghanistan. He reported this was the first Wylie resident who was lost in military service to the United States since the Vietnam War.

Mayor Hogue gave the invocation and Councilman Jones led the Pledge of Allegiance.

PRESENTATIONS

- **Proclamation Telecommunicator Week.**

Mayor Hogue, Police Chief Duscio and Fire Chief Corbin presented a proclamation designating April 11-17 as Telecommunicator Week to Wylie Dispatch personnel. Chief Corbin explained that the 9-1-1 dispatcher answers the initial emergency calls and are really the “first responders” too. They work long hours, holidays and weekends, and are poised under pressure in times of distress. Telecommunicators present included: Tristan Wissinger, Barbara Morrow and Albert Allen. Mayor Hogue thanked them for their dedication.

- **Proclamation Tornado Awareness Month.**

Mayor Hogue read a Proclamation designating the month of April as Tornado Awareness Month. Chief Corbin asked every to be vigilant of inclement weather. Corbin noted the outside sirens were to warn residents outside their homes to seek shelter. The sirens were not intended for residents in the home but recommended residents subscribe to the Nixle program to get up to minute coverage of tornado spottings.

- **Annual Presentation by Community Waste Management.**

CWD General Manager J. B. Sweeney presented a short report regarding the annual status and activities of solid waste service for the City. They noted that recycling in the city had shown an increase over the past year. He also reported complaints for solid waste were down over the past year. CWD President Greg Roemer was also in attendance.

- **Recognize the accomplishment of Officer Brenda Martin and Caro K-9.**

Mayor Hogue and Police Chief Duscio presented Officer Brenda Martin and her K-9 Caro. He explained that Officer Martin and K-9 Caro attended the United States Police Canine Association trials in Conroe, TX. All canine units working for the law enforcement agencies are required to demonstrate their abilities at an annual certification process involving a variety of single and combined skill demonstrations. Officer Martin and K-9 Caro brought home the, first place for Patrol Dogs, the Zantos trophy and the Top Dog trophy for the overall competition. The Zantos trophy is named after a former Garland Police dog and the trophy is given for the top score in criminal apprehension and obedience.

Chief Duscio explained that Officer Martin has handled police dogs for the past 11 years and had won Top Dog before with her first partner, Carlo.

CITIZENS COMMENTS ON NON-AGENDA ITEMS

Residents may address Council regarding an item that is not listed on the Agenda. Residents must provide their name and address. Council requests that comments be limited to three (3) minutes. In addition, Council is not allowed to converse, deliberate or take action on any matter presented during citizen participation.

Bobby Heath representing the Wylie Downtown Merchants Association addressed council regarding signs and banners in the downtown area. Mayor Hogue directed staff to meet with Mr. Heath about the issues.

Don Hallum representing WASA, Inc. addressed council requesting that they attend the Joey Riley Comedy Review to be held April 14, 2011 at 7:30 pm at the First Baptist Events Center. Funds raised will be used toward the renovation of the old library for a new senior center.

Gerald Dunn residing at 1723 Harvest Crossing, Wylie TX addressed council with water usage concerns regarding his HOA in the Pheasant Creek subdivision.

Robert C. Wilson residing at 1407 Abbeville Road Wylie, TX addressed council with concerns regarding the Wylie Police Department. Mayor Hogue gave direction to staff to review the information provided by Mr. Wilson.

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A. **Consider, and act upon, approval of the Minutes of the March 22, 2011 Regular Meeting of the Wylie City Council, the Minutes of the Special Called Work Session of March 29, 2011, and the Minutes of the Special Called Work Session on April 5, 2011. (C. Ehrlich, City Secretary)**
- B. **Consider, and act upon, Resolution No. 2011-05(R) amending Resolution No. 2011-02(R) (Order of Election) and authorizing the Mayor to execute the Notice of Election for the City of Wylie's General Election to be held May 14, 2011; to correct the address for an Election Day polling location and to add all Collin County Early Voting Polling Places as Exhibit "A", as required by Section 85.004 of the Texas Election Code. (C. Ehrlich, City Secretary)**
- C. **Consider, and act upon, approval and final acceptance of the reconstruction of FM 1378 from FM 544 to Brown Street and authorize final payment to Glenn Thurman, Inc. in the amount of \$165,984.95, and accept the project as complete. (C. Holsted, City Engineer)**
- D. **Consider, and act upon, Ordinance No. 2011-10, amending PD 2007-14 & to modify existing restrictions and remove Property Owners Association, generally located east of Regency Drive and north of Steel Road. ZC 2011-03 (R. Ollie, Planning Director)**

Council Action

A motion was made by Councilman Jones, seconded by Councilman White to approve the consent agenda as presented. A vote was taken and the motion passed 6-0 with Mayor pro tem Byboth absent.

REGULAR AGENDA

Public Hearings

- 1. **Hold a Public Hearing and consider a recommendation to the City Council regarding a Replat for Arbor Acres, Block A, Lot 1R to combine two commercial lots into one on .952 acres, generally located east of Regency Drive and north of Steel Road. (R. Ollie, Planning Director)**

Staff Comments

Senior Planner Charles Lee addressed council stating that the property totals .952 acres on two commercial lots. This Replat proposes to combine two lots into one to accommodate the development and expansion of an adjacent commercial business. Originally platted in December 2007 as part of a

planned development commercial business center adopted May 22, 2007, the property has recently been acquired by an abutting property owner. An Amended zoning application was approved on March 22, 2011 for the property in association with Zoning Case 2011-03 which addresses current and future planned development stipulations.

Lee explained that The Replat complies with all applicable technical requirements of the City of Wylie. Planning Commission voted 6-0 to recommend approval of the Replat.

Public Hearing

Mayor Hogue opened the public hearing for Zoning Case 2011-03 (Replat) at 6:45 p.m. asking anyone present wishing to address council to come forward and limit their comments to three minutes.

No one was present wishing to address council on this zoning case.

Mayor Hogue closed the public hearing at 6:45 p.m.

Council Action

A motion was made by Councilman Porter, seconded by Councilman White to approve a Replat for Arbor Acres, Block A, Lot 1R to combine two commercial lots into one on .952 acres, generally located east of Regency Drive and north of Steel Road. A vote was taken and the motion passed 6-0 with Mayor pro tem Byboth absent.

READING OF ORDINANCES

Title and caption approved by Council as required by Wylie City Charter, Article III, Section 13-D.

City Secretary Ehrlich read the caption to Ordinance No. 2011-10 into the official record.

Mayor Hogue announced there would be no Executive Session held regarding the Development Agreement by and between the City and Lavon Partners, L.P. but could be posted on a future agenda.

EXECUTIVE SESSION

Recess into Closed Session in compliance with Section 551.001, et.seq. Texas Government Code, to wit:

§§ 551.071 – Consultation with Attorney

Meeting with City Attorney regarding a matter(s) in which the duty of the City Attorney under the Texas Disciplinary rules of Professional Conduct of the State Bar of Texas conflicts with the Open Meetings Act regarding: *(M. Manson, City Manager)*

- **Receive legal advice regarding the Development Agreement by and between the City and Lavon Partners, L.P.**

RECONVENE INTO REGULAR SESSION

General Business

2. Consider and act upon authorizing the City Manager to execute a Development Agreement by and between the City of Wylie and Lavon Partners, L.P. (*M. Manson, City Manager*)

There was no action taken on Item #2, regarding a Development Agreement by and between the City of Wylie and Lavon Partners, L.P.

Mayor Hogue moved into Work Session at 6:46 p.m.

WORK SESSION

- Planning the Grand Opening of the Wylie Municipal Complex (*City Council*)

Mayor Hogue asked if council had any updates they wished to report regarding the planning of the Wylie Municipal Complex Grand Opening. No council members had updates. Mayor Hogue reminded the council that follow-up calls to prospective sponsors for the event were due to be completed within the week.

ADJOURNMENT

With no further business before the Wylie City Council, a motion was made by Councilman White, seconded by Councilman Jones to adjourn the meeting at 6:50 p.m. A vote was taken and the motion passed 6-0 with Mayor pro tem Byboth absent.

ATTEST:


Carol Ehrlich, City Secretary



